

weeks ago that he came by my office, as he went by many Senators' offices, not stopping, not resting at all, but arguing for, making the case for a wonderfully innovative program that helps expand and express the understanding of Americans, of college students, of people just out of college for events around the world, to give people the opportunity to serve overseas for a period of time and then to come back and share that knowledge and experience.

The fact that he came by the office—and it seems like yesterday; it was several weeks ago now—and he had his flip charts. One by one, in that sort of scholarly, serious, academic way, expressing the truth, what he knew would work in a creative and innovative way impressed me. Indeed, it should be the goal of all of us, once we leave this body, to continue the process, participating as actively as he demonstrated several weeks ago.

He was a champion of the people and, indeed, a credit to the United States of America. To his family, to his friends, to his loved ones, our condolences go out to them over the coming days.

#### THE FIRST ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

Mr. DASCHLE. There is a great, possibly prophetic, story from the end of the Constitutional Convention in 1789. For weeks, delegates to the convention had labored in the Philadelphia heat to draft a Constitution. Every day, crowds waited outside Independence Hall for any news of their progress. Finally, a draft was agreed upon. As Benjamin Franklin emerged from the hall, a woman asked, "Dr Franklin, what have you given us: A monarchy? Or a republic?" Franklin famously replied, "A republic—if you can keep it."

Some of our founders would, no doubt, be surprised that we have indeed managed to keep this republic they dared to imagine and create more than 200 years ago.

What has enabled the United States to become the world's oldest surviving democracy is more than luck. It is more, even, than divine providence. It is also the result of deliberate work and effort by generations of Americans to understand and protect the principles on which our nation was founded, and to pass those lessons on, undiminished, to future generations.

That is the heart of what we mean by "civic education."

I know the majority leader shares my belief that Congress has an important role to play in ensuring that civic education in America remains strong and vital and that it reaches all Americans. For that reason, it was an honor for both of us, along with many of our colleagues, to attend the First Annual Congressional Conference on Civic Education from September 20th to the 22nd of this year, in Washington, D.C.

The conference brought together education and civic leaders and others

from all 50 States and the District of Columbia and gave them an opportunity to compare notes about what is happening in their States to strengthen civic education. Each State team also adopted a State action plan, which they will implement before the Second Annual Conference, which will be held in December 2004, also in Washington. I have the South Dakota State action plan, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CIVIC EDUCATION PLAN FOR THE STATE OF SOUTH DAKOTA

Members of the South Dakota delegation, who attended the First Annual Conference On Civic Education in Washington D.C. in September 2003, have devised a plan for analyzing and improving civic education in the state. The South Dakota delegation comprised of Glenna Foubert, President of the South Dakota State Board of Education, Representative Gerry Lange, Jack Lyons, Chair of the South Dakota Humanities Council, Bob Sutton, Executive Director of the South Dakota Community Foundation, and Senator Drue Vitter have planned a conference entitled "Dialogue On Civic Education in South Dakota." This event will take place in the capital building in Pierre on November 10, 2003.

A variety of state educators and state administrators have been invited to attend the conference that will focus on a historic overview of civic education, the current status of civic education, state certification requirements and teacher preparation, and successful programs. Members of the S.D. delegation will act as panelists for the event. Plenty of time will be allowed for observations and questions from those attending the conference.

The S.D. delegation has tentative plans for a follow-up conference to be held in the state in either the spring or summer. This event probably would be held in the Eastern part of the state.

The South Dakota delegation hopes to convey to its conference attendees the enthusiasm that they encountered at the Washington conference for improving and revitalizing civic education in the nation and the state.

Mr. FRIST. I was very pleased to join the distinguished Senator from South Dakota, Senator DASCHLE, and our leadership colleagues in the House of Representatives in hosting Congress's first Civic Education conference.

On behalf of the entire Senate, I want to recognize and thank the cosponsors of the first conference, the Alliance for Democracy and its members: the Center for Civic Education, the Center on the Congress at Indiana University and the National Conference of State Legislatures.

It is my understanding that there will be a total of five Congressional Conferences on Civic Education. These conferences will enable us to give civic education and civic participation the sustained, national attention they deserve but have not always gotten.

It is our hope to explore, at these annual conferences, the critical role civic education plays in promoting civic participation—which is really the lifeblood of any democracy.

We also want to find new and better ways to work with schools and with education leaders to create first-rate citizenship education programs in our nation's schools. I know this is an interest that the Senator from South Dakota shares.

I think this first conference provided an excellent start on that goal. I ask unanimous consent to have the State action plan for my State of Tennessee printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CIVIC EDUCATION PLAN FOR THE STATE OF TENNESSEE

"Civic education should be a central purpose of education essential to the well-being of representative democracy."

"Civic education should be seen as a core subject. Well-defined state standards and curricular requirements are necessary to ensure civic education is taught effectively at each grade level."

"Policies that support 'Quality teacher education and professional development' are important to insure effective classroom instruction and raise student achievement."

"Classroom programs that foster an understanding of fundamental constitutional principles through . . . service learning, discussion of current events, or simulations . . . are essential to civic education."

Mr. FRIST. With these four principles in mind, the Tennessee delegation has made the following Tennessee State Action Plan:

Reconvene in Tennessee to discuss further plans, an early December meeting is planned to include the entire delegation.

A follow-up meeting will include each delegate bringing "to the table" persons of influence that will help deliver our mission reviving "Civics in the Classroom."

Janis Kyser and Rep. Joe Towns will attend a Youth For Justice meeting to help with organizing a 501c3 organization to serve as a statewide clearing house for LRE services; Conduct an intensive state-wide LRE survey to determine what is happening, what needs to happen and where are the gaps in service; Plan and conduct a Statewide LRE conference.

Tennessee Delegation: Ms. Janis Kyser, State Facilitator; Senator Randy McNally, Tennessee State Senate; Representative Beth Harwell, Tennessee House of Representatives; Representative Joe Towns, Jr., Tennessee House of Representatives; Mr. Richard Ray, Chairman State School Board; Mr. Bruce Opie, Legislative Liaison, Tennessee Department of Education; Dr. Ashley Smith Jr., President Tennessee Middle School Association.

Mr. DASCHLE. I share the Majority Leader's belief that schools are critical in this effort. We must do a better job of educating our children to be the productive and involved citizens that our democracy, our country, needs.

Mr. FRIST. The Senator from South Dakota is correct. There are other important partners as well.

Democracy isn't something that just happens to us. It's something each of us must actively create. Citizenship gives us rights, but it also gives us responsibilities. Each of us has a responsibility to understand the great principles on which our great country was

founded. Each of us has a responsibility to participate in the process of self-government.

It is an essential balance: rights and responsibilities. When we neglect either side of that equation, our democracy is in trouble.

Mr. DASCHLE. I agree with the Senator from Tennessee. It's not enough for the principles of our democracy to be known by only a few. That's not American democracy. In order to have a strong, vibrant democracy, everyone has to participate. Everyone has to know the history and the rules. We all need to learn not just names and dates, but the process of democracy. We also need to develop new and better ways to keep adults informed and involved in the civic life of their communities and of our nation.

Our nation faces grave, new challenges today. The very real threat of terrorism is forcing us to examine the balance between liberty and security. How do "we the people" respond to terrorism? How do "we the people" operate in an increasingly global world? In a world in which we are inundated with information of all kinds, how do we assure that people get the information they need to make informed decisions about our democracy and our future? These are the kinds of questions that future Congressional Conferences on Civic Education can explore.

Mr. FRIST. My friend is correct. The challenges and questions our nation faces today are different than those faced by our founders. But they are, in many ways, just as profound.

The great principles of democracy are what unify us as a people and bind us together as a nation. They are what gives us the strength to face the challenges of a complex world as one people. And, as my friend noted, they are what has made it possible for us to preserve the miracle of Philadelphia and keep our republic for more than two centuries.

I look forward to working with the distinguished democratic leader and with our colleagues in the House leadership to prepare for next year's conference. I also look forward to working with my fellow Tennesseans to see that our State produces an outstanding State action plan before that conference.

Mr. DASCHLE. I ask unanimous consent to have printed in the RECORD the Conference Statement and join the majority leader in encouraging all of our colleagues to lend their support to this Congressionally-sponsored effort to dramatically improve civic education and civic participation in America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE STATEMENT—FIRST ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

The participants at the First Annual Congressional Conference on Civic Education acknowledge that there is an urgent need to address the low level of civic engagement in America. We recognize that:

Civic knowledge and engagement are essential to maintaining our representative democracy. While many institutions help to develop Americans' civic knowledge, skills, and dispositions, schools must have the capacity to prepare students for engaged citizenship. Civic education should be a central purpose of education essential to the well-being of representative democracy.

Civic education should be seen as a core subject. Well-defined state standards and curricular requirements are necessary to ensure that civic education is taught effectively at each grade level from kindergarten through 12th grade. Strengthening the civic mission of schools must be a shared responsibility of the public and private sectors at the community, local, state, and national levels.

Policies that support quality teacher education and professional development are important to ensure effective classroom instruction and raise student achievement.

Well-designed classroom programs that foster an understanding of fundamental constitutional principles through methods such as service learning, discussion of current events, or simulations of democratic processes and procedures are essential to civic education.

In recognition of these findings, we resolve to take action to reaffirm the historic civic mission of our schools.

Adopted by the Delegates to the First Congressional Conference on Civic Education, September 22, 2003, in Washington, D.C.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On November 11, 2003, a religious fundamentalist was arrested as a suspect in an alleged plot to bomb abortion clinics and gay bars throughout the eastern United States. On the day of his arrest, the suspect had purchased gasoline cans, flares, propane tanks and starter fluids, in addition to pistols and silencers. Thankfully, the suspect was arrested before he was able to commit multiple crimes of hate.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

Mr. DODD. Mr. President, I rise today to briefly discuss legislation to reform the rules governing class litigation. In October of this year, the majority leader sought to proceed to the Class Action Fairness Act, S. 1751.

I joined forty of my colleagues in opposing the motion to proceed. I said at the time that while I supported some reform of class action procedures, I could not support S. 1751 in its current form. I also expressed concern about whether there would be any meaningful opportunity for interested Senators to

negotiate changes to the bill in a bipartisan fashion.

Subsequent to the vote in October, I joined with three of my colleagues in sending a letter to the majority leader on November 14, 2003. In that letter, we reiterated our interest in class action reform and we outlined several areas where we believed revisions to S. 1751 were in order.

In November, Senators LANDRIEU, SCHUMER and I entered into discussions with Senators FRIST, HATCH, GRASSLEY, KOHL, and CARPER. Those discussions have resulted in a compromise agreed to by our eight offices that I believe significantly improves upon S. 1751. I also ask unanimous consent that a summary of the compromise produced by my office be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Lastly, Mr. President, I want to point out that in my view this is a delicate compromise, which addresses the shortcomings of current class action practice while at the same time protecting the right of citizens to join with fellow citizens to seek the redress of grievances in the courts of our Nation. As I and my colleagues said in our letter of November 14th, it is "critical" that this agreement "be honored as the bill moves forward—both in and beyond the Senate."

EXHIBIT 1

SUMMARY OF CHANGES TO S. 1751 AS AGREED TO BY SENATORS FRIST, GRASSLEY, HATCH, KOHL, CARPER, DODD, LANDRIEU, AND SCHUMER

The Compromise Improves Coupon Settlement Procedures

S. 1751 would have continued to allow coupon settlements even though only a small percentage of coupons are actually redeemed by class members in many cases.

The compromise proposal requires that attorneys fees be based either on (a) the proportionate value of coupons actually redeemed by class members or (b) the hours actually billed in prosecuting the class action. The compromise proposal also adds a provision permitting federal courts to require that settlement agreements provide for charitable distribution of unclaimed coupon values.

The Compromise Eliminates the So-Called Bounty Prohibition in S. 1751

S. 1751 would have prevented civil rights and consumer plaintiffs from being compensated for the particular hardships they endure as a result of initiating and pursuing litigation.

The compromise deletes the so-called "bounty provision" in S. 1751, thereby allowing plaintiffs to receive special relief for enduring special hardships as class members.

The Compromise Eliminates the potential for Notification Burden and Confusion

S. 1751 would have created a complicated set of unnecessarily burdensome notice requirements for notice to potential class members. The compromise eliminates this unnecessary burden and preserves current federal law related to class notification.

The Compromise Provides for Greater Judicial Discretion

S. 1751 included several factors to be considered by district courts in deciding whether to exercise jurisdiction over class action